

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 SEP 27 AM 11:29

BLENNA MINOR and
KENNETH MINOR,

Plaintiffs,

v.

THE CITY OF MEMPHIS, et al.,

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

NO. 05-2511 M/AN

ORDER DENYING MOTION TO STRIKE SECOND AMENDED COMPLAINT

Before the Court is Defendant's Motion to Strike Second Amended Complaint filed on September 16, 2005.

Defendant has failed to file a proposed order as required by Rule 7.2(a)(1)(A) of the Local Rules of the United States District Court for the Western District of Tennessee. Defendant has also failed to file a Certificate of Consultation as required by Local Rule 7.2(a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee. Local Rule 7.2(a)(1)(B) provides:

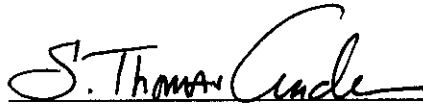
Consultation by Counsel. All motions, including discovery motions, but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a certificate of counsel (with one copy) affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to

cooperate in the conduct of a conference, counsel must file certificate to that effect, setting out counsel's efforts to comply with this rule.

Therefore, the motion is **DENIED** without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "S. Thomas Anderson", written over a horizontal line.

S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 26, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:05-CV-02511 was distributed by fax, mail, or direct printing on September 28, 2005 to the parties listed.

M. Jake Werner
LAW OFFICE OF M. JAKE WERNER
46 N. Third St.
Ste. 628
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT